

**ORDINANCE NO. 2019-\_\_\_\_**

**AN ORDINANCE** amending License Tax section of Yakima Municipal Code section 4.16, Garbage Storage, Collection and Disposal

**WHEREAS**, RCW 35.22.195, RCW 35.21.120, and RCW 35.21.130, give cities primary responsibility to manage solid waste collection and disposal and provides for the ability to contract for said services where appropriate; and

**WHEREAS**, the City Council has authorized the formation of the Clean City Program, which will provide additional services throughout the City of Yakima; and,

**WHEREAS**, the City Council finds that the license tax rate section should be increased to twenty-five percent (25%); and

**WHEREAS**, the City Council finds and determines that adoption of this ordinance amending the license tax rate section, Yakima Municipal Code section 4.16.180 in the public interest and in the best interest of the City and its residents; **now, therefore**,

**BE IT ORDAINED BY THE CITY OF YAKIMA:**

**Section 1.** Section 4.16.180 of the Yakima Municipal Code is hereby amended to read as follows:

A. License Required. No person, association or corporation shall engage in the business of collecting and hauling garbage, refuse or debris within the city or in gathering the same within the city for disposal at some point or area outside of the city without obtaining a license therefor and complying with the regulations of this section.

B. Application—Fee—Bond. Written application for the licenses or renewals thereof on forms provided by the city clerk shall be accompanied by payment of a yearly basic license fee of ten dollars, payable on or before January 1st of each year. The term of the license shall commence on January 1st of each year. In the event of an application for a license for a period of less than one year, the basic fee shall nevertheless be paid in full. The basic fee of ten dollars shall be credited against the license tax provided for by subsection C of this section. Upon notification to the city clerk, licenses may be transferred to purchasers or assigns of the licensee's equipment or business. No basic fee shall be refunded.

At the time of making application, the applicant shall furnish a bond in the amount of five thousand dollars, issued by a surety company authorized to do business in the state of Washington, the form of which bond shall be conditioned on the faithful compliance by the applicant with the provisions of this chapter, and further conditioned that the collection, transportation and disposal of garbage, refuse and debris shall be carried on by applicant according to the laws of the state of Washington, the ordinances of the city of Yakima and the rules and regulations of the Yakima County Health District.

C. License Tax Imposed—Amount.

Commencing February 1, 2020, and effective thereafter, there is levied upon every person, association or corporation holding a license for the collection and hauling of garbage, refuse or debris within the city, or in gathering the same within the city for disposal at some point or area outside of the city, a tax for the privilege of doing so, such tax to be equal to twenty-five percent (25%) of the cash receipts from all customers within the city served by the license holder. Such tax shall be due and payable monthly and remittance therefor shall be made on or before thirty days after the end of the last preceding calendar month for which it is due.

D. Manner of Payment—Audit of Records of Licensee. Payment of the tax imposed by subsection C of this section shall be made to the office of the treasurer of the city of Yakima accompanied by a report of the licensee of the amount of gross cash receipts from customers within the city for the period for which the tax is paid, which report shall contain such information as may be deemed necessary or desirable by the treasurer to administer the collection of such tax. License holders shall afford access at all reasonable times to their books and records for inspection and audit by the city finance officer or other auditor appointed by the city manager or engaged by the city for that purpose, for the purpose of verifying the accuracy of reports and the amounts of tax payments made to the city treasurer pursuant to this section.

E. Rules and Regulations. There are established the following rules and regulations for the collection and hauling of garbage, refuse and debris in the business classification, as defined by YMC [4.16.140](#):

1. The beds of all trucks used by licensee within the city shall be of metal construction and completely watertight. Truck beds must be kept clean and free of any accumulation of garbage or other refuse.
2. All licensed collectors, after loading trucks, must leave all alleys and streets in a clean and sanitary condition. Such collectors shall not permit any material to be dropped or spilled from trucks in or upon any of the public ways of the city.
3. The charge for collection in the business class shall be paid by the owner or person in charge of the place from which such garbage or refuse shall be removed. Such charge shall be agreed upon between such person and the collector. Each licensed collector shall furnish to the city of Yakima semiannually a list of all accounts and frequency of collection thereof.
4. The owner or person in control or charge of each building in the business class shall maintain for refuse storage and disposal metal containers of good and watertight construction with no dents of not more than thirty-gallon capacity with a handle on each side thereof and tight-fitting lids, the gross weight of which container when full shall not exceed seventy-five pounds. In lieu of such containers, the premises may be served with drop-off bins; provided, bins with a capacity of one and one-half cubic yards (40.5 cubic feet) or greater shall not be stored within five feet of combustible walls, openings or combustible roofline eaves.

Refuse containers shall be placed on the premises in such a manner and at such a location so as to be readily accessible for collection and shall not be kept on the street, alley, sidewalk or other public place; provided, that garbage cans or other approved containers may be placed on

a platform or rack in the alley in back of the premises in a location approved by the code administration manager with the lids for the cans or containers chained and locked or otherwise secured to the platform or rack. Lids shall not be removed except while refuse is being placed in or removed from the receptacles.

F. Revocation of License. A license issued pursuant to this section is subject to revocation by the city manager on a hearing conducted by him, after notice of such hearing given to the licensee no less than five days prior to the date of such hearing, on the finding by the city manager that a licensee has failed to comply with any provision of this section or with any city ordinance applicable to the conduct of the business of the licensee. In the event of the revocation of a license by the city manager as provided herein, the licensee shall have the right to a hearing on the matter by the city council on the filing with the city clerk of a written notice of appeal within ten days after the city manager's revocation of the license. The decision of the city council on such appeal shall be final and conclusive.

G. Purpose of Section. This section is enacted to provide regulation of the business of garbage collection within the city and to provide revenue for the operation of necessary city functions.

**Section 2.**     Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional, unlawful or invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**Section 3.**     Effective Date. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

**PASSED BY THE CITY COUNCIL**, signed and approved this 5<sup>th</sup> day of November, 2019.

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Kathy Coffey, Mayor

ATTEST:

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Sonya Claar Tee, City Clerk

Publication Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_